

AB 140 ALTERNATIVE DISPUTE RESOLUTION

PROBLEM

Under the Lanterman Developmental Disabilities Services Act and the California Early Intervention Act (Early Start Program), regional centers provide or secure services for people with developmental disabilities based on the person's individual family service plan (IFSP) or individual program plan (IPP). Services listed in an IFSP or IPP are frequently the responsibility of school districts or other, generic, agencies—that is public agencies with responsibility to serve the general public. Regional centers are prohibited from using their funds to purchase services that are the responsibility of such generic agencies. There is no statutory mechanism for resolving disputes between regional centers and public agencies as to which has responsibility to pay for a service in a consumer's IFSP or IPP. This often results in long delays in service delivery until the issue is resolved.

THIS BILL

AB 140 will establish a process to resolve disputes between a regional center and, with specified exceptions, another public agency over which is responsible for providing services contained in the IFSP or IPP of a child under the age of 6. Under AB 140:

- When a dispute arises, the regional center notifies the other agency of the failure to provide the services and requests dispute resolution. Notice is also sent to the consumer's parent, legal guardian or authorized representative.
- The two agencies may agree as to which will provide the services while the dispute is being resolved, but the agreement may not change the IFSP or IPP.

- The 2 agencies have 15 days (which may be extended up to 15 days) to meet and resolve the dispute and then 10 days to notify the parent, legal guardian or authorized representative of the result.
- If the dispute can't be resolved within the 10 days, the matter is submitted to the Office of Administrative Hearings (OAH) (within 30 days). OAH then has 30 days to issue its decision, which must specify the type, frequency, and duration of the services to be provided and which agency is responsible. If one of the agencies had been providing the services in the interim but is found not to be the responsible agency, then that agency is entitled to reimbursement from the responsible agency.

AB 140 does not affect a consumer's right to use the fair hearing process or pursue relief through the courts. AB 140 does not apply when a consumer requests mediation or a fair hearing and the regional center and public agency have been joined as parties.

STATUS/VOTES

Assembly Human Services	7-0
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SUPPORT

Association of Regional Center Agencies (sponsor)

OPPOSITION

- None on file

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